IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 15782 of 2007(D)

PETITIONER:

LAIJU JOY, PALLISSERY HOUSE,
OLLURKKARA P.O., TRICHUR.

BY ADV. SRI.BABU PAUL

RESPONDENTS:
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1. THE CORPORATION OF COCHIN REPRESENTED BY ITS SECRETARY, BOAT JETTY, COCHIN-II.

2. THE COMMISSIONER OF POLICE, ERNAKULAM.

3. THE CIRCLE INSPECTOR OF POLICE, CENTRAL STATION, ERNAKULAM.

4. ERNAKULAM MERCHANTS UNION, REGISTRATION NO.104 (ER), ERNAKULAM MERCHANTS UNION BUILDING, POST BOX NO.1101, ERNAKULAM MERCHANTS ROAD, KOCHI-11.

R4 BY ADV. SRI.K.JAJU BABU
R2 & R3 BY GOVT. PLEADER SRI. P.A. SALIM
R1 BY STANDING COUNSEL SRI.RAMESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO.15782/07

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF ORDER DT. 27.3.2007

EXT.P2: -D0- -DO-

EXT.P3: -DO- -DO-

EXT.P4: -DO- -DO-

EXT.P5: COPY OF COMPLAINT DATED 18.5.2007

EXT.P6: COPY OF COMPLAINT FIELD BEFORE COMMISSIONER OF POLICE DT.20.5.2007

EXT.P7: TRUE COPY OF COMPLAINT FILED BEFORE CIRCLE Inspector OF POLICE DT. 20.5.07.

/ TRUE COPY /

P.S. TO JUDGE.

P.R. RAMAN & K. HEMA, JJ.

W.P.(C).No.15782 of 2007

Dated this the 19th day of June, 2007.

JUDGMENT

Raman, J.

The petitioner is a person in whose favour a contract is awarded by the Corporation of Cochin for collecting parking place fees for the year 2007-2008. According to the petitioner, these parking places are notified by the Corporation only this year. The notification as such is not produced. It is alleged that there is stiff resistance from the shop owners as well as the business men in the matter of collecting parking place fee. It is also alleged that they have threatened the petitioner and the staff from collecting the parking place fees from the customers, who park their vehicles.

2. However, the writ petition is vague as to who are the shop owners who have caused such obstruction or resistance, as alleged. Further, particulars regarding the date as to when such obstruction was caused is also conspicuously absent in the petition. However, the petitioner has impleaded the 4th respondent, Ernakulam Merchants Union, in a representative capacity to represent such shop owners who, according to the petitioner, have caused obstruction.

3. The 4th respondent has filed a counter affidavit denying the

allegations. In the absence of further details and materials produced, it is not possible for this Court to adjudicate the dispute whether there was any obstruction or resistance as alleged in the writ petition. The Corporation of Cochin, on the other hand, would submit that they have earmarked certain area as halting place and awarded contract in favour of the petitioner. They have also pointed out that as per Section 474 of the Kerala Municipality Act, if there is any such obstruction in the matter of collecting parking fee by any person as authorised by the Corporation, it is open to such person to seize the vehicle. The petitioner would contend that he has already submitted representation Ext.P5 before the Secretary, Corporation of Cochin, informing the latter that there is obstruction and resistance in the matter of collection of parking fee and requested for police help. According to petitioner, Ext.P5 has not been disposed of yet. If the Corporation has auctioned the right to collect parking place fee in accordance with law, and if the petitioner has been appointed as contractor, if there is any obstruction or resistance caused to the contractor in collecting parking place fee, it is for the Corporation to look into the matter and seek necessary police assistance for enabling their contractor to collect such fee as is authorised bylaw.

4. In the circumstances, there will be a direction to the

Secretary, Corporation of Cochin to hear the petitioner and dispose of Ext.P5 expeditiously. The Government Pleader, appearing on behalf of the State would submit that in case any request is made by Corporation of Cochin alleging any obstruction caused in the matter of carrying out the right conferred by the Municipality Act, necessarily, the police will come to their aid in protecting such rights.

The Writ Petition is closed in the above terms.

Sd/-

P.R.RAMAN, JUDGE.

Sd/-

K. HEMA, JUDGE.

Krs.